

**UNITED STATES DISTRICT COURT
DISTRICT OF RHODE ISLAND**

**WILMINGTON SAVINGS FUND SOCIETY,
FSB, D/B/A CHRISTIANA TRUST, NOT
INDIVIDUALLY BUT AS TRUSTEE FOR
VENTURES TRUST 2013-I-H-R**

Plaintiff

v.

CASE No. _____

**STEVEN H. ARMBRUST; DEBORAH W. ARMBRUST; and
FLEET NATIONAL BANK n/k/a BANK OF AMERICA, N.A.;**

Defendants

_____ /

**NOTICE OF AVAILABILITY
OF LOSS MITIGATION AND MEDIATION PROGRAMS**

Consistent with the equitable nature of this judicial foreclosure proceeding brought by the Plaintiff pursuant to R.I. Gen. Laws §34-27-1, the Plaintiff wishes to apprise the Court and Steven H. Armbrust and Deborah W. Armbrust as the Defendants in this case of the Plaintiff's preparedness to consider the Defendants' eligibility for foreclosure alternatives, including modification of the mortgage loan, and/or to participate in mediation.

In the Complaint, Plaintiff has prayed for an order staying proceedings in the case for a period of sixty (60) days IF the Defendants appear in the action at any time prior to the entry of a default against them to allow the parties sufficient time to explore the Defendants' eligibility for loss mitigation options or to engage in mediation. Of course, absent a court order requiring them to do so, the Defendants are under no obligation to participate in either process. If the Defendants are prepared to participate in either loss mitigation or mediation Plaintiff requests that the Defendants so inform the Court and the Plaintiff's undersigned attorney in writing as soon as possible.

Loss Mitigation

The Plaintiff has government sponsored and/or proprietary loss mitigation products available to eligible borrowers to enable them to either retain the Property or avoid foreclosure. Some loss mitigation outcomes result in the borrower's retention of the Property such as when lender and borrower enter into a loan modification. Other outcomes such as deeds-in-lieu of foreclosure or short sales, while resulting in the Defendants' loss of the Property, may avoid the negative consequences a completed foreclosure may have on a borrower's credit although the Defendants are urged to consult their tax professional before agreeing to either of these non-retention options. To determine the Defendants' eligibility, the Defendants must submit a completed application for loss mitigation to the Plaintiff's undersigned attorney or to the Plaintiff's designated loan servicer (Fay Servicing LLC). A completed application includes, without limitation, copies of the required number of pay stubs, bank statements, government award letters, income tax returns and other documents to substantiate the income and expenses recited by the borrower in the application. An application will be provided upon the Defendants' request for same addressed to Plaintiff's attorney whose name and contact information appear below. The submittal of a completed application is no guarantee of eligibility.

Mediation

Mediation offers a mechanism for resolving the parties' issues in a manner that is less formal and more expedient than the court process. Mediations are not always successful. If the parties do not reach a mutually acceptable resolution of the case in mediation the parties can resume the court process and litigate in accordance with applicable law and the Federal Rules of Civil Procedure. Typically, the parties attempt to agree on the selection of a mediator or ask the

Court to assist in the selection of a mediator. Typically, discussions had before the mediator and always outside the presence of the Court are confidential and may not be used against the other party should formal litigation resume.

NOTHING IN THIS NOTICE IS MEANT TO INFER OR SHOULD BE DEEMED TO CREATE ANY OBLIGATION IN THE DEFENDANTS WHATSOEVER TO PARTICIPATE IN LOSS MITIGATION OR MEDIATION. RATHER, THIS NOTICE IS MEANT TO INFORM THE COURT AND THE DEFENDANTS OF THE PLAINTIFF'S WILLINGNESS TO ENGAGE IN EITHER PROCESS SHOULD THE DEFENDANTS APPEAR IN THE ACTION AT ANY TIME PRIOR TO THE ENTRY OF A DEFAULT AGAINST THEM OR AS MAY OTHERWISE BE REQUIRED BY LAW.

September 22, 2017

Respectfully Submitted,

Wilmington Savings Fund Society, FSB,
d/b/a Christiana Trust, not individually but
as Trustee for Ventures Trust 2013-I-H-R,
By its Attorney,

/s/ Paul G. Manning, Jr.
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